

**REAL ESTATE BOARD
MINUTES
MADISON, WISCONSIN
FEBRUARY 29, 2002**

PRESENT: Richard Hinsman, Nancy Gerrard, Harold (Hal) Lee (by telephone), Richard Kollmansberger, Rebecca Dysland (by telephone) and Maria Watts

EXCUSED: James Imhoff, Jr.

STAFF PRESENT: Cletus Hansen and William Black, Legal Counsel; Division of Enforcement staff were present for portions of the meeting.

GUESTS: Jay Reifert
Corey Scholtka
Richard Staff, WRA

CALL TO ORDER

The meeting was called to order at 10:36 a. m. by Richard Hinsman, Vice Chair, upon confirmation that the public notice was timely given. A quorum of 6 members was present.

AGENDA

MOTION: Nancy Gerrard moved, seconded by Richard Kollmansberger, to adopt the agenda, as published. Motion carried unanimously.

MINUTES (1/24/02)

MOTION: Richard Kollmansberger moved, seconded by Nancy Gerrard, to approve the minutes, as written. Motion carried unanimously.

ADMINISTRATIVE REPORT

Clete Hansen

- **Board Roster**

Clete Hansen informed the Board that the Office of the Governor had received a letter of resignation from Bettye Lawrence on the day before the Board meeting. Therefore, Maria Watts is able to vote and receive reimbursement of her travel expenses and payment of a per diem.

Hal Lee said he would be returning to Wisconsin in time for the May meeting.

- **Meeting Dates for 2002**

Greg Raube, Angi Jerney and Kelly Sankbeil conducted a half-hour orientation session for Maria Watts before the Board meeting.

- **Summary Reports on Pending Court Cases, Disciplinary Cases and Administrative Rules**

Noted

- **To-Do List**

Noted

- **To-Pass Folder**

The folder contained a copy of the Case Status Report. It was routed to Board members.

LEGISLATION

Update re: Legislation That Relates to Real Estate

Clete Hansen said that the Department was still trying to have the board-approved proposal relating to reciprocity of licensure introduced.

Designated Agency

The meeting packet included a draft of two legislative proposals requested by the Wisconsin Realtors Association. One pertains to “designated agency”; the other pertains to “referral fees.”

Clete Hansen gave some background on the designated agency proposal.

Bill Black reviewed the key points in his memo of February 21, 200, entitled, “Designated Agency - Proposed Legislation.”

Rick Staff spoke in favor of the proposal and asked for suggestions for improving the draft. He distributed three pages from a two-volume book on agency.

Jay Reifert, a Madison real estate broker, explained why he is opposed to the designated agency proposal. He distributed a letter from Stephen Brobeck, Consumer Federation of America, which also expresses opposition to the proposal.

Corey Scholtka, a Waukesha area licensee, expressed opposition to the designated agency proposal. He distributed a document, entitled, “Recipe For Disaster, Current real estate laws, written when buyer agency was not a commonly accepted practice in Wisconsin...”

Position of the Board on the Designated Agency Proposal

No motion was introduced and no action was taken on the proposal.

Referral Fee

Motion: Richard Kollmansberger moved, seconded by Nancy Gerrard, to support the referral fee proposal. Motion passed, with 2 members abstaining.

REPORT OF THE REAL ESTATE LAW REVIEW COMMITTEE

Clete Hansen referred to the contents of the minutes, relating to the Committee meeting of January 23, 2002. Richard Hinsman and Richard Kollmansberger suggested that the next meeting should be in the afternoon of March 27, 2002.

REVISED TIMESHARE FORMS

Noted. The Board had approved the draft several months ago.

MISCELLANEOUS CORRESPONDENCE

None

PUBLIC COMMENT

None

**PRESENTATION OF PROPOSED STIPULATIONS BY DIVISION OF
ENFORCEMENT**

Staff were available to present a stipulation; however, the Board had no questions and no oral presentation was made.

RECESS TO CLOSED SESSION

MOTION: Richard Kollmansberger moved, seconded by Nancy Gerrard, to convene the meeting in Closed Session pursuant to Sections 19.85(1)(a), (b), and (f), Wis. Stats., to consider the licensing or discipline of a person licensed by the Department or the investigation of charges against such a person. Specifically, to discuss case closings and the Case Status Report, a proposed stipulation, an administrative warning, an application for re-licensure and monitoring reports. Motion carried unanimously by a roll call vote: Richard Kollmansberger - yes; Rebecca Dysland - yes; Nancy Gerrard – yes; Harold Lee - yes; Maria Watts - yes and Richard Hinsman - yes.

Open Session recessed at 11:04 p. m.

Two copies of the Division of Enforcement Case Status Report were made available to Board members.

The Board deliberated on case closings, stipulations, an administrative warning, an application for re-licensure of Patrick Huberty and a monitoring report. Final voting on these issues was conducted in Open Session.

RECONVENE IN OPEN SESSION

MOTION: Nancy Gerrard moved, seconded by Richard Kollmansberger, to adjourn the Closed Session and to reconvene in Open Session. Motion carried unanimously.

The Open Session reconvened at 12:15 p.m.

VOTING ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

CASE CLOSINGS

MOTION: Richard Kollmansberger moved, seconded by Maria Watts, to close the following cases presented by the Division of Enforcement for closing. Motion carried unanimously.

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|------------|------------|
| 00 REB 192 | 01 REB 097 |
| 00 REB 283 | 01 REB 163 |
| 01 REB 067 | 00 REB 245 |

STIPULATION

Rita L. Ducane (Crivitz, WI)

MOTION: Hal Lee moved, seconded by Rebecca Dysland, to accept the Stipulation, Findings of Fact, and Conclusions of Law and Order in the disciplinary matter involving Rita L. Ducane. Motion carried unanimously.

MONITORING REPORT

Marlene Meyer reported on one monitoring case.

Steven Simonovich (Pleasant Prairie, WI)

MOTION: Nancy Gerrard moved, seconded by Richard Kollmansberger, that Steven Simonovich's time for completing the required education be extended until May 10, 2002. Motion carried unanimously.

CONSIDER CLOSING DISCIPLINARY INVESTIGATION WITH ADMINISTRATIVE WARNING

Richard D. Barbour

MOTION: Nancy Gerard moved, seconded by Richard Kollmansberger, to issue an administrative warning to Richard D. Barbour. Motion carried unanimously.

APPLICATION FOR REINSTATEMENT OF SALESPERSON'S LICENSE

Patrick Huberty (Waukesha, WI)

MOTION: Hal Lee moved, seconded by Richard Kollmansberger, to approve the relicensure of Patrick Huberty, if all licensing requirements have been satisfied. Motion carried unanimously.

ADJOURNMENT

MOTION: Richard Kollmansberger moved, seconded by Nancy Gerrard, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 12:22 p.m.